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RUEHFR/AMEMBASSY PARIS 2615
RUEHRB/AMEMBASSY RABAT 2237
RUEHTRO/AMEMBASSY TRIPOLI
RUEHTU/AMEMBASSY TUNIS 7090
RUEHNK/AMEMBASSY NOUAKCHOTT 6286
RUEHNM/AMEMBASSY NIAMEY 1523
RUEHBP/AMEMBASSY BAMAKO 0472
RUEHCL/AMCONSUL CASABLANCA 3320
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C O N F I D E N T I A L ALGIERS 000291

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TAGS: PHUM PGOV KPAO AG

SUBJECT: APPEALS COURT UPHOLDS PRESS DEFAMATION VERDICT

REF: A. 06 ALGIERS 2087

¶B. 06 ALGIERS 1925

¶C. 07 ALGIERS 465

Classified By: Deputy Chief of Mission Thomas F. Daughton;
reasons 1.4 (b) and (d)

¶11. (U) SUMMARY: On March 4 an appellate court in Jijel upheld a May 27, 2007 verdict against the director of French-language daily El Watan and its lead columnist. The two were convicted of defaming Ahmed Maabed, the wali (governor) of Jijel. They were sentenced to two months in prison and ordered to pay a fine of approximately USD 15,186.

They are allowed to file a final appeal with the Supreme Court within ten days of the March 4 decision. El Watan has a circulation of approximately 200,000, making it the most widely read French-language newspaper in the country. END SUMMARY.

¶12. (U) Ahmed Maabed, the wali of Jijel, filed a defamation complaint against El Watan director Omar Belhouchet and columnist Chawki Amari in 2006 because of the June 17, 2006 article entitled, "A beautiful summer in Jijel." In the article, which focused on corruption, Amari asked, "Is it the system which created the corruption or the corruption which made the system?" Amari, who writes a daily column on the back page of El Watan, also suggested that the wali of Jijel may have given his mistress the use of an SUV that should have been used by the wilaya (province).

¶13. (U) In the days since the appeals court rendered its decision, criticism of the decision has been constant. El Watan has printed full-page statements of support on a daily basis. Domestic and international organizations have spoken out, including the Algerian League for the Defense of Human Rights, the political party Rally for Culture and Democracy, and Reporters Without Borders. In response, according to press reports, Farouk Ksentini, the head of the government's national human rights commission, described Reporters Without Borders as a "declared enemy" of Algeria.

¶14. (C) In a March 8 conversation, El Watan's editor-in-chief Zine Cherfaoui told us that it is rare for an appellate court to uphold an original sentence for defamation from a lower court. A lesser sentence is the norm, he added. Cherfaoui also told us that Belhouchet and Amari can submit a final appeal to the Supreme Court, but noted that the Supreme Court has typically upheld decisions from lower courts in similar cases. He also posited that it was too early to determine the motivation behind the sentence and surmised that it was

most likely pressure from the government because El Watan has opposed the idea of a third term for President Bouteflika. According to Cherfaoui, because El Watan has its own printing presses and does not receive advertising revenue from the Agence Nationale d'Edition et de Publicite (ANEPE) (ref A), the Algerian government has limited other means to influence the newspaper.

¶5. (C) COMMENT: While Algeria's press is among the freest in the region, the use of criminal defamation laws continues to restrict that freedom (refs B and C). In contrast to previous cases of defamation that we have seen, El Watan is fighting back publicly and vigorously. The daily page of statements of support, from a wide range of individuals and groups, has kept the issue in the public domain. We will track any Supreme Court appeal that Belhouchet and Amari choose to file.

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